

2:20-cr-00308-JAD-DJA - March 13, 2023

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA, )  
4 Plaintiff, ) Case No. 2:20-cr-00308-JAD-DJA  
5 vs. ) Las Vegas, Nevada  
6 STEPHEN THOMAS PARSHALL, ) March 13, 2023  
7 Defendant. ) 3:05 p.m. - 5:01 p.m.  
8 ) Courtroom 6C  
9 ) IMPOSITION OF SENTENCE  
10 ) **CERTIFIED COPY**  
11 )

12 REPORTER'S **\*REDACTED\*** TRANSCRIPT OF PROCEEDINGS  
13 BEFORE THE HONORABLE JENNIFER A. DORSEY  
14 UNITED STATES DISTRICT COURT JUDGE  
15

16 APPEARANCES:

17 For the Government: **BIANCA R. PUCCI, AUSA**  
18 UNITED STATES ATTORNEY'S OFFICE  
19 501 Las Vegas Boulevard South, Suite 1100  
20 Las Vegas, Nevada 89101  
21 (702) 388-6336

22 (Appearances continued on page 2.)  
23  
24  
25

21 Court Reporter: Amber M. McClane, RPR, CRR, CCR #914  
22 United States District Court  
23 333 Las Vegas Boulevard South, Room 1334  
24 Las Vegas, Nevada 89101  
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21 Proceedings reported by machine shorthand. Transcript  
22 produced by computer-aided transcription.  
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1 APPEARANCES CONTINUED:

2 For the Defendant:

3 **ROBERT M. DRASKOVICH, ESQ.**  
4 *ROBERT M. DRASKOVICH, CHTD.*  
5 *815 South Casino Center Boulevard*  
*Las Vegas, Nevada 89101*  
*(702) 474-4222*

6 Also Present:

7 *Erica Strome, USPO*

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1 LAS VEGAS, NEVADA; MONDAY, MARCH 13, 2023; 3:05 P.M.

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3 P R O C E E D I N G S

4 **COURTROOM ADMINISTRATOR:** Now's the time set for an  
5 imposition of sentence in Case Number 2:20-cr-308-JAD-DJA,  
6 United States of America versus Stephen Thomas Parshall.

7 Counsel, please state your appearances.

8 **MS. PUCCI:** Good afternoon, Your Honor. Assistant  
9 United States Attorney Bianca Pucci on behalf of the  
10 Government.

11 **MR. DRASKOVICH:** Good afternoon, Your Honor. Robert  
12 Draskovich on behalf of Mr. Parshall who's seated at my right.

13 **THE COURT:** All right. Thank you. Good afternoon.

14 This is the hearing set for the imposition of the  
15 sentence on Mr. Parshall in this case. Back on Halloween he  
16 appeared before the Court and entered a plea of guilty to two  
17 counts of sexual exploitation of children, one count of  
18 coercion and enticement, and one count of receipt and  
19 distribution of child pornography. The plea was entered  
20 without the benefit of a plea agreement. I accept his guilty  
21 plea and adjudicated him guilty of these charges.

22 Probation has calculated the offense level under the  
23 federal sentencing guidelines to be a 43 and recommends a  
24 sentence of 30 years for Counts 1 and 2, 20 years for Count 4,  
25 and a life sentence for Count 3, concurrent, for a total term

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1 of life in prison.

2 The defense has filed a sentencing memorandum in  
3 which it argues for a sentence of 15 years in prison, and the  
4 Government has filed a sentencing memo in which it is arguing  
5 for a sentence of life in prison.

6 Has everyone had an opportunity to review the  
7 Presentence Investigation Report?

8 **MR. DRASKOVICH:** Yes, Your Honor.

9 **THE COURT:** And, Mr. Draskovich, have you reviewed it  
10 carefully with your client?

11 **MR. DRASKOVICH:** I have.

12 **THE COURT:** Are there any unresolved objections at  
13 this time?

14 **MR. DRASKOVICH:** There are not.

15 **THE COURT:** All right. Let's go ahead then and work  
16 through the guideline calculations, which we find in the PSR  
17 beginning on page 13. Probation used the 2021 guidelines  
18 manual incorporating all amendments to determine the  
19 defendant's offense level.

20 We start with Count 1, Group 1, sexual exploitation  
21 of children for Victim 1. The guideline base offense level is  
22 32. Probation applied a four-level increase because the  
23 offense involved a minor who had not attained the age of 12  
24 years. Then Probation applied a two-level increase because  
25 the offense involved the commission of a sexual act or sexual

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1 contact. Probation then applied another two-level increase  
2 because the defendant knowingly engaged in distribution.  
3 Another two levels were added because the defendant was a  
4 parent, relative, or legal guardian of the minor involved in  
5 the offense or the minor was otherwise in the custody, care,  
6 or supervisory control of the defendant. Then, in  
7 paragraph 70, Probation applied another two-level increase  
8 because for the purpose of producing sexually explicit  
9 material or for the purpose of transmitting such material, the  
10 offense involved the use of a computer or an interactive  
11 computer service. Here it was a cell phone. So two points  
12 were added giving us an adjusted offense level of 44.

13 Do we all agree that is the correct computation on  
14 Group 1 -- or Group 1, Count 1?

15 **MS. PUCCI:** Yes, Your Honor.

16 **MR. DRASKOVICH:** Yes, Your Honor.

17 **THE COURT:** Okay. Group 2, Count 2, sexual  
18 exploitation of children, and Count 3, coercion and enticement  
19 for Victim 2. The base offense level is 32. Probation  
20 applied a two-level increase because for the purpose of  
21 producing sexually -- sexually explicit material or  
22 transmitting such material, the offense involved the use of a  
23 computer or an interactive computer service, and that gives us  
24 an adjusted offense level for this grouping of 34.

25 Do we agree that's accurate?

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1           **MS. PUCCI:** Yes, Your Honor.

2           **MR. DRASKOVICH:** Yes, Your Honor.

3           **THE COURT:** Moving to count Group 3, Count 4, receipt  
4 and distribution of child pornography. The base offense level  
5 is 22. In paragraph 83, two levels were added because the  
6 material involved a prepubescent minor or a minor who had not  
7 attained the age of 12 years. And then five levels were added  
8 because the defendant distributed in exchange for other  
9 valuable consideration but not pecuniary gain this material.  
10 In paragraph 85, Probation applied a four-level increase  
11 because the -- the offense involved material that portrays  
12 sexual abuse or exploitation of an infant or toddler. And  
13 then, in paragraph 86, Probation added five levels because the  
14 defendant engaged in a pattern of activity involving the  
15 sexual abuse or exploitation of a minor. In paragraph 87,  
16 Probation applied a two-level increase because the offense  
17 involved the use of a computer or interactive computer service  
18 for the possession, transmission, receipt, or distribution of  
19 the material or for accessing with intent to view it. And  
20 then, finally, in paragraph 88, Probation added three  
21 points -- or three levels because the offense involved at  
22 least 150 images but fewer than 300. Here it was  
23 approximately 120 images and then one video, which equates to  
24 75 images, so for a total of 195 images of child pornography.  
25 So we increase by four -- oop, sorry -- is this one three or

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1 four?

2 **MS. PUCCI:** I believe it's three levels.

3 **PROBATION OFFICER:** Three levels.

4 **THE COURT:** Three levels. Okay.

5 -- by three levels, and so that gives us an adjusted  
6 offense level -- an adjusted offense level for count Group 3,  
7 Count 4 of 43.

8 Do we all agree that's accurate?

9 **MS. PUCCI:** Yes, Your Honor.

10 **MR. DRASKOVICH:** Yes, Your Honor.

11 **THE COURT:** And then in paragraph 93 we perform the  
12 multiple-count adjustment. We get two units. The greater of  
13 the adjusted offense levels is 44. So we increase the offense  
14 level under 3D1.4 by two giving us a combined adjusted offense  
15 level of 46.

16 Do we agree all of that's accurate?

17 **MS. PUCCI:** Yes, Your Honor.

18 **MR. DRASKOVICH:** Yes.

19 **THE COURT:** And then Probation applied a two-level  
20 decrease for acceptance of responsibility. Do we agree that  
21 the factors under 3E1.1(a) are satisfied for that two-level  
22 increase -- or two-level decrease?

23 **MS. PUCCI:** Yes, Your Honor.

24 **MR. DRASKOVICH:** Yes, we do.

25 **THE COURT:** All right. And the Government is not

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1 moving for the third point; correct?

2 **MS. PUCCI:** No, Your Honor. Thank you.

3 **THE COURT:** All right. In paragraph 98 we have the  
4 Chapter 4 enhancement. And so here the applicable offense  
5 level is 49, but under Chapter 5, Part A, which tells us that  
6 in the rare instances where the total offense level is  
7 calculated in excess of 43, the offense level will be treated  
8 as a level 43.

9 Do we agree that's correct?

10 **MS. PUCCI:** Yes, Your Honor.

11 **MR. DRASKOVICH:** Yes.

12 **THE COURT:** All right. So that gives us a level 43.

13 Turning to the criminal history computation, which we  
14 find on page 19, the defendant's criminal history score is  
15 zero which establishes a criminal history category of I.

16 Do we agree his criminal history category is I?

17 **MS. PUCCI:** Yes, Your Honor.

18 **MR. DRASKOVICH:** Yes.

19 **THE COURT:** I'm flipping to page 32. For Count 1 and  
20 Count 2, the minimum term of imprisonment is 15 years and the  
21 maximum term is 30 years. For Count 4, the minimum term is 5  
22 years and the maximum term is 20 years. For Count 3, the  
23 minimum term is 10 years and the maximum term is life.

24 Do we agree those are accurate?

25 **MS. PUCCI:** Yes, Your Honor.



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1           **MR. DRASKOVICH:** Yes.

2           **THE COURT:** With respect to supervised release for  
3 Counts 1 and 2, the Court must impose a term of supervised  
4 release of 5 years to life; for Count 3, it's 5 years to life;  
5 and the same for Count 4.

6           Do we agree those are accurate?

7           **MS. PUCCI:** Yes, Your Honor.

8           **MR. DRASKOVICH:** Yes, they are.

9           **THE COURT:** The maximum fine for each count is a  
10 quarter of a million dollars, and a special assessment of \$100  
11 per count is mandatory for a total of \$400. The defendant is  
12 also subject to the provisions of the Justice for Victims of  
13 Trafficking Act of 2015 requiring the Court to assess an  
14 amount of \$5,000 per count on any non-indigent person or  
15 entity convicted of a qualifying offense. And the defendant  
16 is subject to the provisions of the Amy, Vicky, and Andy Child  
17 Pornography Victim Assistance Act of 2018. So in addition to  
18 any other criminal penalty, restitution, or special assessment  
19 authorized by law, the Court must assess not more than \$17,000  
20 on any person convicted of a qualifying offense or not more  
21 than \$35,000 on a person convicted of another -- of any other  
22 offense for trafficking in child pornography or not more than  
23 \$50,000 on any person convicted of a child pornography  
24 production offense.

25           And the fine range for this offense is \$50,000 to

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1 \$250,000.

2 Do we agree all of that is accurate?

3 **MS. PUCCI:** Yes, Your Honor.

4 **MR. DRASKOVICH:** Yes, it is.

5 **THE COURT:** I find that Probation's guideline  
6 calculations are accurate, and I adopt them.

7 To reiterate, this is level 43, criminal history  
8 category I, and Probation is recommending 30 years each for  
9 Counts 1 and 2; 20 years on Count 4; life in prison for Count  
10 3; all concurrent for a total term of life.

11 And I will now hear argument in support of sentencing  
12 starting with the Government.

13 **MS. PUCCI:** Thank you, Your Honor.

14 Just preliminarily, I do want to let the Court know  
15 that I do have Victim 1 and Victim 1's mother here to speak,  
16 and I would ask that they speak at the end of the hearing  
17 prior to Your Honor imposing sentence. And I'll do my  
18 argument at this time.

19 Over six years' span, the defendant, Stephen  
20 Parshall, raped a victim who was starting approximately seven  
21 or eight years old until she was 13 years old. For six years  
22 this defendant orally penetrated her, anally penetrated her,  
23 and attempted to vaginally penetrate her. She had to endure  
24 that for six years. At one time throughout those six years  
25 she sought help. She told her mother that the defendant was

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1     raping her, and the defendant manipulated the situation. He  
2     convinced the victim that she wasn't being raped. Rape is  
3     only when someone bleeds a lot. He convinced the victim she  
4     was not being raped. And the mother also did not believe the  
5     victim at that point because she -- the victim didn't  
6     understand and took it back and she said, I'm sorry, I take it  
7     back, I take it back.

8             And the defendant, instead of stopping, he was  
9     emboldened. He was emboldened to continue his rapes of a  
10    seven year old, eight year old, nine year old, ten years old,  
11    11 years old, 12 years old. And when the victim was 13 years  
12    old, on May 30th of 2020, finally she had reprieve. The  
13    defendant was arrested on other unrelated conduct, and because  
14    of that arrest investigators were able to locate images of  
15    Victim 1. They were thumbnail images, but the investigators  
16    were not deterred. They wanted to ensure that the girls that  
17    were in the custody and control of this defendant were safe  
18    from him. And in doing so, they brought the girls in, and  
19    Victim 1 initially kept her mouth shut. She had already tried  
20    once. She had tried once to get free of this defendant's  
21    rape, and it didn't work. It was only until the images were  
22    shown to her by a third party giving her the opportunity for  
23    that freedom, from being raped by this defendant ever again.

24             Your Honor has seen the outcry, that moment where the  
25    victim was looking at those images. You saw her demeanor

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1 change. You saw her able to finally let it out. She just  
2 wanted to be free. She just wanted it to stop. She didn't  
3 care what happened. She just wanted it to stop. She wasn't  
4 looking for a crime or punishment. She just wanted it to  
5 stop. And it has at this point; it has stopped. And the only  
6 way that we can ensure that no other victim will ever fall  
7 pray to this defendant is to keep him in custody for life.

8 When the victim was speaking to investigators, she  
9 informed them that the defendant would text her, "Come here."  
10 As parents use that phrase quite often telling their kids to  
11 come here, this defendant, who had custody and control over  
12 Victim 1, used those two words for his sexual deviancy. "Come  
13 here" are words that a child doesn't ever shrill from, but  
14 those two words resonated differently for Victim 1. She knew  
15 what was about to happen. She knew what was going to be  
16 required of her. She went; she didn't know what else to do.

17 In the year leading up to the defendant's arrest,  
18 there were approximately 29 text messages from him to Victim 1  
19 in some variation of "come here." Approximately 29 times we  
20 can attribute in just one year, the last year of his offense.  
21 And if you take just each one of those instances in which the  
22 victim was sexually assaulted and attribute the mandatory  
23 minimum of 15 years, the defendant would be looking over 400  
24 years in custody.

25 This case we did not seek that third point, and the

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1 reason why we did not seek that third point is because we had  
2 to go through intensive trial preparations. It wasn't until  
3 the eve of trial that this defendant ultimately pled guilty.  
4 And I don't want to make any mistake, the Court is -- is to  
5 consider that plea of guilt, and that's what those two points  
6 of reduction are for. But that third point we are not giving  
7 because of the amount of preparation that we had to do in this  
8 case.

9 More specifically, the victim had to come in and  
10 retell in detail multiple times to prepare. She was prepared  
11 to come in and tell 12 strangers what happened to her. She  
12 was prepared. She asked multiple times if there was any way  
13 that she could do it without having to be in the courtroom in  
14 front of him, but due to confrontation issues we explained to  
15 her that she was required to be here and she would have to  
16 testify in front of the defendant. She prepared herself. And  
17 then, the minute before -- or the day before that she was to  
18 come in and testify, the defendant did plead guilty, but we  
19 won't go for that third point.

20 The victim will forever live through the trauma that  
21 she's experienced at the defendant's hands. She will have to  
22 deal with this for the rest of her life. She has gone through  
23 therapy and will continue to go through therapy.

24 We are asking for the restitution in this case with  
25 regards to the therapy that she's had to undergo and will at

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1 least undergo until she's 18 years old. But that therapy will  
2 likely not stop. She will continue to live her entire life  
3 with the trauma that the defendant caused. He needs to live  
4 his entire life remembering that trauma, and that is with a  
5 life sentence.

6 In this case there were only three images recovered  
7 of the victim, but that doesn't mean that there weren't more.  
8 The defendant admitted on his Tumblr chats with another user  
9 that he takes picks and vids and he sends them but deletes  
10 them. He's a sophisticated defendant. He's a sophisticated  
11 criminal. He knows he needs to get rid of the evidence, but  
12 he didn't get rid of it all and we were able to find those  
13 videos -- or those images and save this victim.

14 In the investigators' attempts to ensure that they  
15 had all the information with regards to this defendant's  
16 conduct, they went through 17 devices, and on another device  
17 they located more chats on what's called Whisper and then  
18 moved over to Kik, two social media platforms in which this  
19 defendant also victimized other children. He sought out  
20 children in order to create child pornography for his own  
21 sexual desires.

22 One of those victims is Victim 2. She was 16 years  
23 old at the time, she was looking for validation, and the  
24 defendant gave it to her and he manipulated her. And then she  
25 took pictures of herself to appease the defendant's request,

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1 to appease the defendant's sexual desires. This wasn't a  
2 one-off. The defendant has a clear sexual motive, and in that  
3 you can see through his criminal history -- or through the  
4 evidence in this case that he has continuously gotten more  
5 egregious.

6 Prior to finding -- prior to the defendant finding  
7 Victim 2 and victimizing her, he also sought out child  
8 pornography images on the Internet, and he traded those images  
9 for other images. He got images as young as an infant being  
10 penetrated by an adult penis in that child's vagina. He sent  
11 out prepubescent images to other users. From child  
12 pornography receipt and distribution and trading to coercion  
13 and enticement and seeking child -- production of child  
14 pornography through the Internet to going hands-on and  
15 creating child pornography himself, the defendant has shown  
16 that his conduct has escalated over the years, and the only  
17 way to protect this society and the children in this society  
18 is to sentence the defendant to life.

19 And if at any point for some reason this defendant is  
20 able to get out of custody, we are asking for lifetime  
21 supervision. This defendant has demonstrated that even when  
22 people try to stop him, seek help, when he's given the  
23 opportunity to stop, he won't. We ask that all the supervised  
24 release terms that the Probation Office has put into the PSR  
25 are implemented.

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1           Additionally, with regards to Condition Number 2, it  
2           specifically requests no contact without the Probation  
3           Office's approval for his own children. And as Your Honor's  
4           aware under the *United States v. Wolf Child*, specific findings  
5           need to be made in order to impose that condition.

6           And in this case, the evidence has shown that the  
7           relationship that the defendant had with Victim 1 and the  
8           location and how he was able to groom Victim 1 into being able  
9           to rape her for all of those years demonstrate that, in order  
10          to keep his biological children safe from him, he should not  
11          have any contact with them unless previously approved by  
12          Probation. And based on the facts and circumstances in this  
13          case, those specific findings can be made to satisfy the *Wolf*  
14          *Child* requirements.

15          Your Honor, the defendant is still facing state  
16          charges for the hands-on offenses of this victim. Your Honor  
17          was given, prior to sentencing, the transcript of the victim's  
18          description of very brutal sexual assaults that the defendant  
19          perpetrated upon her. In reading that transcript,  
20          Your Honor's aware that she was able to definitively describe  
21          multiple different instances. And because of those  
22          descriptions, she -- the defendant was charged with 23 counts  
23          of sexual assault for a child under the age of 14 and 14  
24          counts of lewdness with a child under the age of 14 that are  
25          still pending in state court. As this is a related case and

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1 because each one of those sexual assaults and lewdness counts  
2 are related conduct in the grooming that led to the production  
3 and those assaults were at the time that the production  
4 occurred, we would ask for that to be concurrent to the state  
5 sentence.

6 But the defendant is also pending two matters with  
7 regards to the investigation that led to the devices, which  
8 I'll just generally refer to as the JTTF investigation. The  
9 sentence we are seeking in this case has nothing to do with  
10 those crimes, and as such any sentence imposed here should be  
11 consecutive to those two JTTF cases. There's one in  
12 federal court as well as one in state court, and if Your Honor  
13 needs those case numbers, I do have those ready.

14 **THE COURT:** I'll take them.

15 **MS. PUCCI:** The Federal District of Nevada Case  
16 Number is 2:20-cr-128, and the Nevada State Court number is  
17 C-20-348860-2.

18 Your Honor, the only sentence that is just in this  
19 case is life. The victim will suffer for life. She cannot  
20 escape a life sentence, and the defendant shouldn't either.  
21 We ask that you impose a life sentence. And if he were ever  
22 to get out, a lifetime supervised release with all the  
23 conditions.

24 Thank you.

25 **THE COURT:** Mr. Draskovich.

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1           **MR. DRASKOVICH:** Your Honor, before I -- I address  
2 the Court, my client would like to address Your Honor. Will  
3 the Court allow him to make a statement to the Court first?

4           **THE COURT:** Of course.

5           Mr. Parshall, this is your opportunity to speak to  
6 the Court directly. We call this portion of the hearing  
7 allocution, and this is your chance to tell me anything that  
8 you think I should consider in deciding what sentence to give  
9 you in this case. Is there anything you would like to say,  
10 sir?

11           **THE DEFENDANT:** Um... I'd like to start off by  
12 apologizing to everybody who's here for having to be here.

13           Sorry.

14           I apologize to my family, for everybody who's been  
15 hurt in all this.

16           Sorry.

17           I had more. I just forgot a little bit. Sorry...

18           I would give anything to go back and make it right,  
19 but I can't. I just... hope that some day... anyone who has  
20 been hurt, everyone who's -- who's suffered through this will  
21 be able to be okay. And just know that I'm sorry.

22           That's it.

23           **THE COURT:** All right. Thank you, sir. You can have  
24 a seat.

25           Mr. Draskovich.

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1           **MR. DRASKOVICH:** Your Honor, I was retained  
2 approximately three years ago. Mr. Parshall has been in  
3 custody now for nearly three years. You know, it's  
4 undisputed, when you review the criminal history, he has a  
5 criminal history zero. He's never been charged or convicted  
6 of an offense prior to the allegations that ultimately gave  
7 rise to the investigation in this case.

8           You know, throughout the last three years I've had a  
9 fair amount of contact with Mr. Parshall -- Mr. Parshall and  
10 his family which is seated here behind me. As Your Honor's  
11 well aware from reviewing the Presentence Investigation  
12 Report, he has a very large family. In fact, his mother and  
13 his father and six sisters would like to briefly address the  
14 Court as well.

15           What's been very curious and somewhat out of the  
16 ordinary through my representation of him is that he's had no  
17 contact with his family up until just recently with his  
18 mother. They've complained that they send him letters, and  
19 they don't hear back. They contact my office and ask me to  
20 drive out and check on him because they've heard nothing from  
21 him. He's truly remorseful for what this case has done to his  
22 family, and I'm referring to both sides of this courtroom.

23           You know, I believe it was very telling -- and his  
24 statement was not prepared by me. I went and visited him a  
25 week and a half ago. We didn't go over what he should say or

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1 what he shouldn't say. He didn't ask Your Honor for leniency.  
2 He figured he's 38 years old. His life, for all intents and  
3 purposes, is maybe over.

4 What concerns me -- and this happens in every case  
5 that -- where a defendant enters a plea. You know, the  
6 competing narratives of what may or may not happened merge in  
7 one, and then it's, well, we're going to have this  
8 demonization of a person through all aspects of their life.  
9 They now become a sophisticated criminal. They become  
10 violent. I mean, that's an understandable tendency, but  
11 oftentimes circumstances which give rise to cases such as  
12 these are not like that. The circumstances are more complex.

13 I'm not in any way making light of what occurred, and  
14 that's why Congress seemed fit to impose such harsh sentences  
15 both in the federal prosecutions as well as state  
16 prosecutions. But the question really becomes: What sentence  
17 is sufficient and not greater than necessary to, you know,  
18 address the elements laid out in 18 USC § 3553? There's no  
19 question concerning the seriousness of the offense. The  
20 question becomes: What is just punishment?

21 Obviously any sentence -- and there's mandatory  
22 minimums -- will afford adequate deterrence; although, most of  
23 these cases are committed by first-time offenders. I mean,  
24 the level -- the level of recidivism is fairly small for those  
25 that are convicted of a sex offense. (c), to protect the

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1 public and ultimately, (d), to provide defendant with needed  
2 education or vocational training.

3           You know, as Your Honor saw in the Presentence  
4 Investigation Report, Mr. Parshall comes from a very religious  
5 family. His family are -- are members of the Church of Jesus  
6 Christ of Latter-day Saints. And then the question then  
7 really becomes the very basic tenants of Christians, you know,  
8 that -- an idea of hope, redemption. You know, to argue that  
9 a life -- a sentence of life is the only way to adequately  
10 protect him from committing offenses in the future I think is  
11 based on speculation because he hasn't been through the  
12 criminal justice system before. He's never been incarcerated  
13 before. The last three years that he sent -- spent in a  
14 high-security detention facility is the first time that he's  
15 ever experienced anything like that.

16           As Your Honor has seen from the Presentence  
17 Investigation Report and our -- and our sentencing memorandum,  
18 he served our country honorably between 2007 and 2011. He was  
19 deployed to the Persian Gulf. He obtained the rank of a  
20 Seaman E-3.

21           You know, human beings, we're very complex animals.  
22 We've evolved to be very complex. We're a combination of  
23 aggressive, passive, cooperative, competitive, mean, nice -- I  
24 mean, people aren't one thing. I mean, the human species is  
25 not binary. We're not good; we're not bad. We're very

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1 complex animals with a wide range of attributes and  
2 characteristics.

3 I actually liked him, and I know that has nothing to  
4 do with the Court's decision of appropriate sentence. He's  
5 pleasant. He's intelligent. He's got some very good  
6 attributes. And to just say, well, he's only deserving of a  
7 life sentence I think is really not the appropriate sentence.  
8 I've had dealings with our -- with the Government, with this  
9 specific prosecutor. She's very well-intentioned. I mean,  
10 the State and the Government -- in this case, the Federal  
11 Government -- generally tried to do the right thing, and I  
12 hold a great deal of respect for them and the job they do.

13 Sometimes very well-intentioned individuals create  
14 certain expectations upon those who have been victimized that  
15 are concerning, and I know this from firsthand experience from  
16 a member of my family. To tell a person you are going to be  
17 traumatized for the rest of your life, you will suffer for the  
18 rest of your life, you'll be a victim for the rest of your  
19 life creates conditions that aren't necessarily beneficial to  
20 that person that's been a victim of a crime.

21 You know, I'm not going to stand here -- and we've  
22 addressed it in the memos, both sides, what we believe the  
23 appropriate sentence is. I wouldn't presume to know what  
24 Your Honor should do and what Your Honor should sentence this  
25 gentleman to, but I would submit with the idea of hope for all

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1 parties involved and for this idea of redemption. To really  
2 lock him up without any possibility of a release is not  
3 appropriate. If he was this second, third, fourth-time  
4 recidivist who has appeared before Your Honor or any other  
5 judge, for that matter, who just can't keep from committing  
6 crimes such as these, I would submit that that would be the  
7 appropriate sentence. But given that we are dealing with a  
8 human being who is not a sophisticated criminal, who made some  
9 attempt to get rid of evidence which never occurred, and we  
10 are left with these three images of this alleged victim or  
11 this victim and we should somehow assume that there's more I  
12 think is well-intentioned but not appropriate.

13 I would urge the Court to consider a sentence that  
14 would allow him to be released and to have him -- something to  
15 work towards. You know, sentencing him to life without  
16 doesn't really restore anything to anybody. It's a tragedy  
17 any way that you look at it, whether your name's in the  
18 caption or it's a pair of initials as the victim.

19 He has two natural daughters that love him dearly.  
20 I'm not going to stand and argue before Your Honor that a  
21 period of supervision for life would not be appropriate. They  
22 need a father as well. He needs to have some communication  
23 with them by writing, by supervised video contact. Because  
24 precluding them from their father, physically or otherwise,  
25 again, is -- is not in their best interest and will cause harm

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1 to them.

2 Based upon these factors, those contained within 3553  
3 and those contained within our sentencing memorandum, I would  
4 urge the Court to impose a sentence less than that argued for  
5 by the Government, and on that I'd submit it.

6 **THE COURT:** Thank you, Mr. Draskovich.

7 Ms. Pucci, is your preference that I hear from the  
8 victim and her mother before I hear from Mr. Parshall's  
9 supporters or after?

10 **MS. PUCCI:** May I have a moment, Your Honor, just to  
11 kind of --

12 **THE COURT:** You may.

13 **MS. PUCCI:** If the defense would like to have their  
14 statements first, the victims in this case will go last.  
15 Thank you, Your Honor.

16 **THE COURT:** All right. Mr. Draskovich, you indicated  
17 you had brief statements by family members?

18 **MR. DRASKOVICH:** Yes, Your Honor. We -- if we could  
19 start with his mother and then his father.

20 **THE COURT:** Okay. And there's a microphone right  
21 there in the gallery.

22 **MR. DRASKOVICH:** He has six siblings. Are we  
23 still -- do we want six sisters to speak? There's --

24 **MRS. PARSHALL:** Not everybody's speaking. Not  
25 everyone's speaking. We've wrote it out.

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1           **MR. DRASKOVICH:** We'll start with mom with the  
2 Court's permission.

3           **THE COURT:** Thank you.

4           And your name for the record?

5           **MRS. PARSHALL:** Deborah Parshall.

6           **THE COURT:** Thank you.

7           What would you like to share?

8           **MRS. PARSHALL:** Can I start out by saying that if I  
9 listen to what was said and did not know this person, I would  
10 only see a monster in my mind. If it's okay with you, we'd  
11 like to maybe put a few pieces in the puzzle here that paint a  
12 little bit of a different picture of what Stephen has been  
13 during his life. And whether it helps you or not understand  
14 him better, we also want him to know, remember what we feel  
15 about him. Nobody has anything long to say, so thank you.

16           You probably don't know this, but Stephen did not  
17 want any of us here today. He has been trying to spare us any  
18 hurt that we've already felt, experienced, and this is his way  
19 of protecting us. That's one of his ways that he shows his  
20 love, is to protect us. But we are a family, and we come  
21 together to help each other. That's how we show our love.

22           As you know, Stephen was born Number 6 in a family of  
23 12. He's the second son of only two boys. His only brother,  
24 Chris, is ten years older, but from the day Stephen was born,  
25 there's been a bond between those two brothers unlike anything

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1 I've ever witnessed. Chris thought Stephen was a gift just  
2 for him, and Stephen absolutely adored his brother.

3 When Stephen was 14 years old, Chris was killed in an  
4 automobile accident. Naturally, the entire family was  
5 devastated, but none more so than Stephen. He hardly talked  
6 or ate for days. To be honest, we were all in a world -- lost  
7 in a world that hurt and did not know how to handle it. I  
8 only bring this up because of what Stephen did with this, not  
9 the idea that his brother died. It was Stephen who  
10 inadvertently figured out how to help the family recover from  
11 this tragedy.

12 There was a boy named Daren around Stephen's age  
13 staying with someone down the street. Daren had been taken  
14 out of his home by Child Protective Services. Stephen came  
15 home one day and asked if we could take Daren in and let him  
16 be part of our family. I was -- honestly, I was stunned. I  
17 couldn't even hardly take care of my children at the time,  
18 still dealing with the feelings of losing a child, but Stephen  
19 kept insisting we need to help Daren, we need to help Daren.  
20 And we did. That is how Stephen ended up having a foster  
21 brother, Daren, for many years.

22 As we helped Daren with his problems, we forgot our  
23 own. Stephen understood this naturally. That is natural for  
24 him to reach out to help people. That is how we have seen him  
25 his whole life. I -- Stephen has spent most of his life

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1 helping others. And I just want to say, I know that sounds  
2 trite, but it would be impossible to fill you in on the whole  
3 of Stephen but each of us will add a piece to this so maybe  
4 you can get an idea.

5 As long as I am alive, I will support my son in any  
6 good he is willing to do or any changes he makes to better  
7 himself. But it will make no difference in the love that I  
8 have for him; that is freely given. I believe him to be a  
9 good man. We are not defined by the one action but by the  
10 many.

11 Thank you.

12 **THE COURT:** Thank you.

13 Hi there. Tell me your name. And you can point that  
14 microphone up, too.

15 **MR. PARSHALL:** Good afternoon, Your Honor. My name  
16 is Bruce Parshall. I am Stephen's father.

17 I have known him his entire life. He was and is  
18 still and will always be the greatest Father's Day present I  
19 had ever received.

20 From his earliest childhood he was always the  
21 champion of those people who were in need. I remember one  
22 evening when our family was coming out of a restaurant and an  
23 automobile accident occurred at that moment. Without  
24 hesitation, Stephen immediately made his way across six lanes  
25 of traffic to be the first one there to help. He doesn't

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1 think of the other people -- or of himself, he only thinks of  
2 the other people to help. He doesn't question whether or not  
3 he should help. He only questions how fast he can get there  
4 to help.

5 Years later, while serving in the Navy, he  
6 volunteered to assist in the rescue and recovery effort of  
7 the -- after the Fukushima nuclear power plant disaster that  
8 occurred after that earthquake and tsunami hit Northern Japan.

9 He's always been the one to show up to help, whatever  
10 the need, and he usually works the hardest. When family  
11 members or friends move, he's the one that can be counted on  
12 to be there to help. When anyone who knows him needs help,  
13 he's the one to call. When I have a project that I need help,  
14 my son is the one to whom I turn.

15 He's always been the dad that I wanted to be. He's  
16 spent his weekends taking his girls to parks, on frequent  
17 camping trips, hikes to interesting places, road trips to  
18 scenic places. He wanted them to appreciate the scenic beauty  
19 of the world around us. Every year he would take his kids out  
20 to the Fourth of July activities in Boulder City. He also  
21 taught them why we celebrate the Fourth of July; that it  
22 wasn't just a day of picnics and parades, but there was a  
23 significance to that date and to respect and remember the  
24 history of the country.

25 He instituted family institutions like doughnut

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1 Fridays for his daughters to give them something to look  
2 forward to after a hard week at school and to celebrate little  
3 things in life as well as the big ones.

4 He's a loving and devoted father. He's a caring and  
5 a protective brother. He's a fun and respected  
6 brother-in-law. He's a well-loved and beautiful son. He's an  
7 Eagle Scout, and he is a veteran. People who know him love  
8 him and respect him.

9 The fact that he has pled guilty to a crime is  
10 further unwillingness -- further evidence of his unwillingness  
11 to cause harm to others. He would rather suffer these  
12 consequences than drag his children through a public  
13 spectacle. If possible, I would have the Court reject that  
14 and take it to trial, but I've been told that that's not  
15 possible.

16 I love my son. And it's possible that it might  
17 appear that I have every reason to paint life as -- to paint  
18 him as -- as an angel who has done no wrong. All I wanted was  
19 to let you know that there is much more to his character than  
20 what he's been accused of and that there are reasons why he  
21 may have made the pleading that he did.

22 I appreciate your time. Thank you.

23 **THE COURT:** Thank you, sir.

24 Who's next?

25 Hi there. Tell me your name.

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1           **MS. DAVIS:** Hi. My name is Nicole Davis.

2           Stephen is my younger brother. I've always  
3           considered myself luckily to have him as such. Stephen is a  
4           good person who came from a good home. As you can see, he has  
5           ten sisters but only one older brother who you had learned  
6           that has died when Stephen was only about 15.

7           As his sister, he has always been respectful, loving,  
8           considerate towards me and my family.

9           Growing up, Stephen was special. Not because he was  
10          a brother in a house full of girls, but because of his  
11          personality. He was so energetic and fun-loving that we loved  
12          being around him. Just as his lawyer has said, he -- you  
13          can't help but just love him.

14          This was a -- sorry. He felt like he was always in  
15          trouble or disappointing people because he didn't fit the  
16          criteria that anyone had set for him. This was right at the  
17          height of learning about ADHD as a newfound diagnosis and  
18          trying to fully understand and diagnose it in Stephen. It was  
19          heartbreaking to watch as Stephen would just feel broken. His  
20          intentions were never to hurt or offend. Stephen then started  
21          accepting blame or sacrificing himself if it meant it would  
22          help someone else or kept them from feeling sad or hurt. He  
23          knew what it felt like to be dejected, sad, or hurt, and  
24          didn't want anyone else to feel like that if he could help it.

25          If he ever saw anyone that looked upset or in need,

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1 he was the first to try and uplift and help in any way. These  
2 experiences seemed to make him more considerate and  
3 compassionate. He seemed to always find the stray and social  
4 rejects when it came to friends. He wanted so badly to be  
5 able to help them see their worth and their value. This trait  
6 does not only impact people around Stephen but to animals as  
7 well. I don't even know how many times he brought a stray  
8 animal to our parents' homes or even to my home. He  
9 absolutely loves animals and treats them with tenderness.

10 When my husband and I purchased our first dog from  
11 the pound, Stephen found out that our dog had had a sister  
12 that we were able -- unable to adopt. He could not bear the  
13 idea that this dog was left without her sister, so he went to  
14 the pound the very next day to bring her home. He regularly  
15 brought his dog over to my house to let the sisters play. The  
16 excitement they shared in seeing each other was matched by  
17 Stephen's own excitement. He always looked out for the strays  
18 and the rejected wherever he was.

19 Stephen is my younger brother, but I've always looked  
20 up to him. His love for family and his desire to do and be  
21 good is commendable. I love watching him play with my  
22 children. He is absolutely the cool uncle. Being such a kid  
23 at heart, Stephen was the one who would play, tease, and give  
24 my children the attention that all kids require. I loved when  
25 I would have another baby and to be able to share one with him

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1 because he loves them so much, especially when they became  
2 more interactive and attentive. I did have to keep an eye on  
3 him because he would try to give them their first bite of ice  
4 cream or candy before they even cut their first tooth.

5 I recently had the opportunity to be able to  
6 videoconference with Stephen and introduce my youngest child  
7 to him who is now a year and a half. I was so excited to  
8 share that with him, but the experience was hard at the same  
9 time. Stephen's incarceration has been hard on our family,  
10 particularly because we know how hard it is for Stephen. He  
11 loves his family deeply, and knowing that he is missing out  
12 and may have hurt us is probably the worst form of punishment  
13 for him.

14 I was surprised to hear any of the accusations said  
15 about him because it does not align with his character. But  
16 it does not change how I feel about him or make me think less  
17 of him. Stephen has always been willing to take  
18 responsibility for his actions. I know him to be an honorable  
19 individual and truly one of the good guys. We love him, and  
20 we want the best for him.

21 Thank you.

22 **THE COURT:** Thank you.

23 Hi. Tell me your name.

24 **MS. PARSHALL:** My name is Emily Parshall.

25 I am writing a character statement on behalf of my

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1 older brother, Stephen. As he's almost nine years my senior,  
2 I have known Stephen my whole life. I am the second youngest  
3 in our family of 12. We're --

4 (Reporter instruction.)

5 **THE COURT:** She's asking for you to slow down. It's  
6 hard for her to write what you're saying.

7 **MS. PARSHALL:** I do have it written down because I  
8 will speed up again. So just remind me. I will slow down.

9 **THE COURT:** I think I even have a sign up here.

10 **MS. PARSHALL:** Perfect. I will try to look up.

11 We're divided rather unevenly with ten girls and two  
12 boys. But since I was barely six when my oldest brother,  
13 Chris, died in a car accident, for most of my remembered  
14 childhood there was only Stephen.

15 Most of my best memories from childhood included  
16 Stephen. We lived across the street from our elementary  
17 school and just down the street from the junior high. Though  
18 it wasn't necessary with our proximity to the school, Stephen  
19 would insist on picking me up from kindergarten on his  
20 skateboard so I could ride home with my cool older brother.  
21 Sometimes he even stopped by the ice cream truck around the  
22 corner and let me get a Tweety Bird Popsicle. Since the eyes  
23 were gumballs, that was a rare treat we were never allowed  
24 from our parents because, with our long hair, we often had  
25 gum-related incidents.

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1           Stephen taught me how to ride a bicycle, climb trees,  
2           play trampoline dodgeball, and the floor is lava on the school  
3           playground equipment. When I was practicing math sheets, in  
4           order to be the fastest in my third grade class for a  
5           competition, Stephen sat and timed me over and over.

6           In middle school, Stephen bought the Disney video  
7           game Kingdom Hearts. The four youngest girls, which included  
8           me, loved to watch him play since he was better at it than us.  
9           It was like watching a movie. When he got to the end of a  
10          game and it was time for him to battle the big boss, he waited  
11          until all of us got home from school and then ran downstairs  
12          to tell us he had been waiting all day for us. Stephen --  
13          dang it. Stephen didn't need our presence to play the game,  
14          but he knew how badly we wanted to watch it so he used a well  
15          of patience not often found in teenage boys to wait for us to  
16          return home from school.

17          At one point Stephen also started to learn how to  
18          draw. He recorded cartoon television shows and paused them in  
19          order to draw a scene or a character. When I wanted to sit  
20          and try to draw with him, despite having no artistic ability,  
21          Stephen gave me tips and waited for me to finish my own  
22          drawing before moving the cartoon show forward.

23          By the time I was in high school, Stephen had chosen  
24          to enter the Navy. Before he left for boot camp, he gave all  
25          of us his address and asked if we would write him. I remember

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1 writing him and thinking I wouldn't hear back. We have a  
2 significant age gap and there are other sisters who are much  
3 closer to him so I didn't expect or need a letter in response  
4 and said so in my letter. Not only did I get a letter back,  
5 but he also promised that he would always respond to any  
6 letter I wrote him. For the next few years that he was in the  
7 Navy, that proved true. No matter how long it was between  
8 letters or how far away he was, I always got a letter back  
9 when I wrote one to him.

10 After college, I served a mission trip for my church  
11 for 18 months. When I returned home, my whole family was at  
12 the airport to greet me, along with Stephen's new beautiful  
13 baby girl. I have never seen a prouder father, and I have six  
14 brothers-in-law.

15 A short time later, I was renting my first apartment  
16 with my younger sister. There had been a lot of moving within  
17 my family. With siblings buying houses and relocating in and  
18 out of the state, we had the whole packing-and-moving thing  
19 down pat. But when I let everyone know the day we were moving  
20 into our fourth-floor apartment with no elevator, Stephen was  
21 the only who showed up to help. He had his kids that day, but  
22 just brought them and put them to work inside the apartment  
23 doing little things that made them so excited to help.

24 When we purchased a home a year later, Stephen was  
25 there again to help. He is always there. Service and family

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1 are and always have been key tenets of Stephen's personality  
2 and character. There has never been a time when I have  
3 hesitated to call and ask for help nor doubted it would come  
4 when I did.

5 Stephen has always exemplified serving and helping  
6 from his sisters to his friends to the Navy to his own  
7 children. Nobody has ever -- dang it. Nobody who has ever  
8 watched him interact with his children and family would ever  
9 doubt the selfless love he has for them.

10 These charges and his plea were very hard to hear and  
11 even harder to accept, but there was no point during this  
12 process, whether innocent or guilty, that Stephen has not had  
13 my love and support. I believe actions need to have  
14 consequences. I believe in the law and in justice, and I also  
15 believe in mercy and compassion. My hope is that this further  
16 understanding of who Stephen is will help with the incredibly  
17 difficult task of balancing the two.

18 **THE COURT:** Thank you.

19 **MS. BOWMAN:** My name's Camilla Bowman. Sorry.

20 I will also be brief. Thank you for your time.

21 Stephen Parshall is my older brother. I've known him  
22 my whole life, which is 35 years, and I just want to describe  
23 a few aspects of his character to help all parties receive the  
24 most accurate portrayal of the kind of person that he is.

25 He has several core beliefs. He serves others. He

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1 loves his family, and he protects his family. He provides  
2 service to everyone.

3 When he completed boot camp training for the Navy, he  
4 participated in a naval graduation ceremony after which he  
5 disappeared for a little while. We discovered later that he  
6 was helping other Navy graduates carry their luggage to their  
7 cars. He never misses an opportunity to help a person.

8 When Stephen married and assumed the role of father  
9 for the first time, he realized quickly that structure was  
10 needed for his daughters, and he began to institute a regular  
11 bedtime and a regular routine of family dinners and homework  
12 time, even though it made him the bad guy at times to enforce  
13 new rules that his girls may not have enjoyed. He loved them  
14 enough to hold firm to these regular practices, and gradually  
15 his daughters began to thrive under a steady, consistent,  
16 two-parent household.

17 Stephen is more concerned for the welfare of his  
18 daughters in particular, but also for his sisters and his  
19 parents, than he is for himself. In his attempts to shield  
20 everyone from hurt or harm, he is willing to sacrifice the  
21 remainder of his life. But I know with certainty Stephen has  
22 more value, love, and worth to offer the world outside of  
23 incarceration.

24 Thank you.

25 **THE COURT:** Thank you.

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1           **MS. SPAHR:** Hi. My name is Heather Spahr.

2           Stephen is my closest sibling in age, and as such, we  
3           spent a lot of our time together. I understand Stephen has  
4           pled guilty, and I'm writing to offer a more complete picture  
5           of who he is as a person.

6           Stephen is considerate, thoughtful, compassionate,  
7           entertaining, and accepting. I often recall the many years we  
8           spent playing outside constructing our own alternative reality  
9           of make-believe. He was the best at thinking up creative  
10          solutions to boredom, and exerted enormous effort to make each  
11          of his ten sisters laugh if any were in need. I think of  
12          those years with fondness, affection, and emotion.

13          He is, by definition, my younger brother, but he has  
14          often taken upon himself the role of protective older brother  
15          by choice.

16          Out of respect for the Court's time, I will focus my  
17          remarks on one facet of Stephen's character that stands out to  
18          me. His steady and consistent ability and desire to accept  
19          full responsibility for his choices. I can easily remember  
20          times as children when our make-believe world would  
21          occasionally result in the accidental breakage of a lamp or  
22          household item. Playing tag with eight children indoors can  
23          sometimes get a little rambunctious. In a large family, it's  
24          easy to point the finger at another sibling and escape  
25          punishment. However, any time Stephen was the one at fault,

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1 he was more likely to own up to his mistake and accept the  
2 punishment. Sometimes he would even take the punishment when  
3 he wasn't at fault because he thought it would spare his  
4 sisters from a grounding or extra chores.

5 He was and is a very caring and considerate person.  
6 His desire to protect others has often resulted in the  
7 detriment of his own freedom. This is so consistent with  
8 Stephen's proclivity to think about others more than himself.  
9 Stephen has demonstrated this character strength his entire  
10 life. It is part of who is he.

11 I struggle to put into words all that Stephen stands  
12 for because he is so much more than the one example I offered.  
13 I've always known I could rely on Stephen. He is the favorite  
14 uncle, beloved brother, dependable father, and a hardworking,  
15 contributing member of society.

16 Thank you for taking the time to read my testimony as  
17 I hope it will help you understand a little more the depth of  
18 Stephen's character. I am and always will be available to  
19 support Stephen in whatever he needs. I love him because I  
20 know who he is and what he stands for as a person.

21 As Paul "Bear" Bryant said, when you make a mistake,  
22 there are only three things you should ever do about it:  
23 Admit it, learn from it, and don't repeat it.

24 I've seen Stephen put those wise words into action  
25 and look forward to his continual growth.

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1           **THE COURT:** Thank you. Anybody else?

2           **MS. PARSHALL:** Hi. I'm deaf. So if you're having a  
3 hard time [indiscernible] me, let me know please.

4           Okay. I'm Stephanie Parshall. I am Stephen's oldest  
5 sister. Bear with me. I'd like to share what I know about my  
6 brother Stephen. I'm sorry. All right.

7           I'm sorry.

8           **THE COURT:** If you would like, maybe someone else can  
9 read your letter for you?

10          **MS. PARSHALL:** Sure. I'll have my mom read it for  
11 you.

12          **MRS. PARSHALL:** She told me no.

13          She says: I'd like to share what I know about my  
14 brother, Stephen. Stephen loves his family. I mean, fiercely  
15 loves his family. He loves doing things with his family. One  
16 way he demonstrated this love is by taking his family each  
17 year to the Boulder City Fourth of July Parade for the water  
18 activities. His girls loved attending, and Stephen had so  
19 much fun that he encouraged his sisters and his sisters'  
20 families to attend as well. It has become an annual tradition  
21 thanks to Stephen's love of wholesome recreational activities  
22 with his daughters. Stephen would do anything for his family.  
23 I know he -- sorry -- I know he loves his family as much as I  
24 love him.

25          Thank you for your time.

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1           **THE COURT:** Thank you.

2           Is that everybody? Okay.

3           **MR. DRASKOVICH:** Yes.

4           **THE COURT:** All right. Thank you.

5           Ms. Pucci.

6           **MS. PUCCI:** Thank you, Your Honor. The Victim 1's  
7 mother would like to speak first.

8           **THE COURT:** Yes.

9           **MS. O'MALLEY:** Hi. My name's Veronica O'Malley. I'm  
10 [REDACTED] ' mom.

11           **THE COURT:** And that -- can you raise the podium for  
12 her a little bit, too? I think maybe the...

13           **MS. O'MALLEY:** Thank you.

14           **THE COURT:** Thank you.

15           **MS. O'MALLEY:** I've waited for this day for some time  
16 because I didn't talk to anybody about what had happened. I  
17 didn't tell his parents the pain that I went through before we  
18 were even to the point of being found out.

19           His family is lovely. They're amazing. His sisters  
20 have supported me through very, very dark times, but not after  
21 this particular incident. On June 1st of 2020, my family's  
22 home was raided by the FBI. It was dark. It was early in the  
23 morning. I had to walk out of my home with my hands in the  
24 air. Once they saw I wasn't armed, my four daughters had to  
25 do the same. My second daughter, she had to run to the

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1 bathroom and throw up because she was so scared. My dad was  
2 next to come out with our dogs. My family sat in the back of  
3 my father's truck for hours. My dogs were separated and in  
4 two different vehicles. The search took a long time, and it  
5 did because my home was a disaster. It wasn't fit for anybody  
6 to live in.

7 They were looking for evidence for what he was  
8 originally arrested for. This event is what led to the dark  
9 secret and why we are here.

10 While we were waiting, my two younger girls were able  
11 to just fall asleep in the back of this pickup. We were  
12 outside. They offered us shelter in their vehicles, but my  
13 kids wanted to be by their mom. [REDACTED] really didn't have any  
14 emotion to this event, and I really didn't understand why. I  
15 thought she was in shock. My second daughter was definitely  
16 in shock.

17 In the morning, after they were done searching, I  
18 signed papers on everything they took. We all went into the  
19 house to sleep because we were physically, mentally, and  
20 emotionally exhausted. I got up and informed his parents and  
21 went back home. Informing his parents of the situation was  
22 very hard. They were good people, and telling them that their  
23 son was arrested and being charged for domestic terrorism was  
24 very difficult because I didn't understand any of it. I did  
25 not -- I am not a political person when it comes to going out

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1 and doing things. I have my opinions. And what I can do to  
2 exercise them, I exercise them myself. I don't try to impose  
3 myself in places.

4 A friend of mine came over to sit with us and tried  
5 to make things seem normal. That's when the police and the  
6 CPS showed up.

7 I'm sorry. Everything's all over the place.

8 And they asked me to sign my girls over to someone  
9 and to make my home liveable, and I did. I signed my girls  
10 over to his mother. I started that day with my dad and a few  
11 friends. All of his sisters came and helped. His  
12 brother-in-laws came to help. My dad worked so hard, he got  
13 heatstroke. We rebuilt my home from the floor up. I had ten  
14 days to do this.

15 During this time, I saw a shift in the personnel that  
16 was helping with my case. My home got to the condition for a  
17 series of reasons that we were -- became unliveable. I worked  
18 full time. There was a period of time that I worked part time  
19 but it was at night, and I came to find out later that at  
20 night was sometimes when he would go after my daughter. There  
21 was no opportunities for me to come home early and catch him.  
22 I didn't know because he always had my car.

23 I went back to work full time, and I worked full time  
24 most of our relationship. He rarely worked, and if he did, it  
25 was his money. I went back to full time to be able to pay my

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1 bills because he was stealing the money and gambling it. And  
2 what we would tell me to make a life for us, maybe if he won,  
3 he could get something for us.

4 I cooked all the meals. If he fed them, it was  
5 something very simple like rice with cream of mushroom soup.  
6 My daughter, to this day, still hates cream of mushroom soup  
7 because it reminds her of him.

8 On my days off, I would try to clean, but he would  
9 guilt me into believing that I was a slave driver to my  
10 children and I wanted everything perfect and that they would  
11 only love me and everybody would only be happy if we went out  
12 and we did things. My kids did enjoy these activities, but  
13 they were always coming home to a dirty, disgusting house, and  
14 I never got help.

15 If we did clean the house, it would turn into a  
16 fight. He'd be screaming at the girls at the top of your  
17 lungs so much that the only way to stop the fighting was to  
18 stop and go do something. And he would showcase all of the  
19 things that he did with the girls; taking them to the park,  
20 taking them on these trips, take them and teach them Nevada  
21 history. Those are all things that his father taught him and  
22 did with him. But when we came home, it was gross. It was  
23 disgusting.

24 So other excuses for the house not being clean was --  
25 some of them, were you have kids. It's going to be messy. My

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1 brother-in-laws don't even clean; my sisters do. And my  
2 expectations were too high. This still affects me to this  
3 day. When too many things are out of place in my home or I  
4 [indiscernible] small, I start to panic and I start to clean  
5 my house. I start to think about the filth I was in. When  
6 Saturday morning comes and I start to clean the common areas,  
7 I have to remind myself I don't need to rebuild this like I  
8 have had to before. All I need to do is just maintain it and  
9 clean it.

10 It was during that time that they had seized all of  
11 these items. Their family doesn't speak to me any more and  
12 has alienated [REDACTED] and her sister from them, her sister being  
13 the second oldest. They can't get past the denial of their  
14 grieving that these things actually happened to [REDACTED]. At one  
15 point, somebody had told me that they thought they had paid  
16 off my daughter to say these things, and my daughter heard  
17 that. So she believes that nobody in the family believes that  
18 these things had happened to her and that she is a liar, and  
19 she is not.

20 I never told them what kind of monster he was and how  
21 he was just mean to me and the girls. They only saw the show  
22 that you consistently put on them -- for them. You would  
23 always put on show for anyone you had to, and you could change  
24 your character into what would be approved of in the situation  
25 that you were in.

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1           Your mother still helps me with the two younger  
2 girls. You dad won't even look at me. And any conversation  
3 that does happen always is awkward. And I believe that they  
4 start to realize that their son did do these horrible things  
5 to me and to my daughters. And we are doing great, but those  
6 memories of this time that we lived in that house will never  
7 go away. And they're not going to go away in 15 years, and  
8 that's what they're asking for, is only 15 years for him.  
9 Those memories will never go away for my children. Somebody  
10 raises their voice in the house, you can see my kids duck and  
11 get scared.

12           One of the times that he convinced me he was somebody  
13 else was I did find something in his phone that wasn't  
14 appropriate. It did have children in it. And when I brought  
15 it to his attention, he tried to explain to me how he was  
16 using them to catch people who were pedophiles like a  
17 vigilante. I was so stressed out in my own home that I  
18 couldn't see anything except for what was right in front of  
19 me, and I lived like that every day for -- we were together  
20 for eight years -- for at least five.

21           On the day all my daughters had to go through their  
22 interviews with CPS, I had to change my hair color because I  
23 was receiving threats in your involvement with the boogaloo  
24 boys.

25           [REDACTED] was first up, and we finally had the opportunity

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1 to be set free. All the details of her case and what she told  
2 them I let her keep. That is her story. I never pushed to  
3 have details. I don't need them. I believe my daughter. I  
4 know he did these things to her, and I believe he would do  
5 them again. And they would have not stopped if my house  
6 wasn't raided that evening.

7 Hours later, I get the news, because I was sitting in  
8 the CPS office with my other three daughters and his mother.  
9 They had moved his mother out of the area and came in, and  
10 that's when they told me. They had pulled me in a room, and  
11 they had showed me photos. I didn't want to see these photos,  
12 but I had to. I feel now, if I had saw them, I could identify  
13 more, but I was in such shock that something had happened to  
14 my daughter and I didn't listen to her the first time. When  
15 she had came to me the first time, she had used the word rape.  
16 And when I had asked her questions on what had happened,  
17 her -- her answers were very pulled back. They were like,  
18 well, I don't like how he walks around in his underwear. I  
19 don't like it when he cuddles me. And she was eight, and I  
20 don't know if she understood or wanted to tell me the  
21 questions. But she was telling the truth; he was raping her.  
22 And she decided that she was just going to keep that to her  
23 and protect herself -- not herself -- protect me and her  
24 sisters.

25 Her name is [REDACTED], which is the protector of the

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1 underworld, guardian of the underworld, and she did. She  
2 protected everybody on how she -- that's what she thought  
3 would be the best thing at the time. She didn't want to cause  
4 any chaos.

5 To this day, she will take the blame for things that  
6 are not her fault. I tell her every day: This is not your  
7 fault. You didn't do this. He did.

8 All four of my daughters, including his two  
9 biological daughters, had to go through physical examinations  
10 to make sure that they weren't touched or penetrated in any  
11 way. At the time my youngest I believe was going to be -- she  
12 would have been four at the time. She had to have a full  
13 physical examination because he decided to touch and rape my  
14 oldest daughter. These children will not forget about that.  
15 They won't forget about it in 15 years.

16 All my daughters went through counseling after this  
17 is. Luckily, CPS lined me up with some of the most amazing  
18 people and the people that had helped me. A lot of people  
19 have horrible things to say about CPS. I have nothing but  
20 great things to say. They lined me up with a counselor for my  
21 three youngest to go to weekly where they were just able to  
22 play and talk and to try to find out if he did anything to any  
23 of them. According to what they were able to find out, he  
24 didn't. But sometimes I still think, well, he did it to one.  
25 He has other victims. He was seeking out other children. He

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1 has countless nieces and nephews. Why wasn't -- why are they  
2 any different than my daughter? To me, they're all in danger.  
3 Any child around him is in danger.

4 This is very minor, but this affected my job. I  
5 missed two weeks in the beginning of June to rebuild my house.  
6 Luckily, I got paid because I had COVID leave. For case prep,  
7 I took three weeks off. I'm not promotable at my job because  
8 I don't have an open availability. I take every Tuesday off  
9 to take my daughter to her counselor, to her therapist, and I  
10 will continue to do that as long as I can. I don't care.  
11 When she turns 18, she's still my daughter. If she needs a  
12 ride, I will get her there. If she needs help paying for it,  
13 I will pay for it. I wasn't able to protect her the way I  
14 should have as -- her as a child. I was too blind, couldn't  
15 see through the character that he was of being, oh, well, if  
16 you're upset, I'll sing to you, things will be better.

17 Obviously [REDACTED] was the most affected. She was scared  
18 to go anywhere after. She felt everybody knew something, and  
19 something was going to happen to her. When the allegations  
20 went out that he abused his daughter, they hit the newspaper.  
21 They were so specific that people knew who I was, and they  
22 knew what daughter it was. And she didn't want to go to  
23 school, and luckily it was COVID and she could do it online.

24 But her freshman year came, and luckily things had  
25 died down enough. This year, it's time. It was time for the

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1 case. The only selfless thing that he ever did was say he was  
2 guilty that day. Because the last thing that I wanted was  
3 another newspaper article where she felt like she wasn't  
4 protected.

5 When the news -- she felt like everyone failed her  
6 and that she was supposed to be protected. She went into mom  
7 mode. She tried to protect her baby sisters. She tried to do  
8 everything for them; cook for them, clean for them, anything.  
9 No matter what I tried to do for them, she wanted to do it  
10 better because she felt like she needed to protect them. And  
11 that's how she was trying to protect herself. She stopped  
12 showering for a while because she thought nobody would want  
13 her if she didn't shower. She stopped eating. But the worst  
14 is she stopped smiling. She felt that, if she kept it to  
15 herself, we would have been better. I remind her all the time  
16 this isn't her fault and that it's his, that he did this to  
17 her. And I remind her every day that she saved herself and  
18 she at least saved one other girl. And then there's probably  
19 countless others that he could have talked to, got to, and  
20 maybe even raped.

21 She had to start take medication because she couldn't  
22 feel any more. But she is so strong, she recognized that  
23 herself. The day I told her her dog, Kraken, had died she  
24 just continued eating like nothing had happened. She knew she  
25 felt dead inside. She went to her psychologist and told her

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1 that, and then that's when we decided to start medication so  
2 she'd have the ability to feel again.

3 He took -- he took her ability away to feel happy.  
4 She quit all of her hobbies. She can be compulsive and do  
5 things just because she wants to feel that rush and that  
6 happiness because, what we can do for ourselves that we --  
7 like, sit down and read to make us happy, she doesn't have  
8 that anymore. And that's why she continues to go to  
9 counseling and will for the rest of her life.

10 She gets anxiety around people coming into our home  
11 because that's where he started raping her, is in our home.  
12 So if people come into our home, we talk to her and be like,  
13 if you feel unsafe, that person leaves. But that anxiety  
14 still has not passed from her.

15 And one thing that wasn't addressed today is his  
16 friend, Phil, abused my daughter. And he had thrown Phil out  
17 of our house. He didn't tell me what happened and refused to  
18 tell me what happened, and nobody would. I figured out why he  
19 didn't. Because if she talked to somebody, he would have been  
20 found out. He protected another predator who's already been  
21 sentenced for 39 years because he didn't want to be found out.

22 Everything he does for somebody is going to benefit  
23 him, and it always has. All of these selfless acts that they  
24 spoke about was to keep his character good somewhere. I  
25 don't -- I believe he loves his family, but it was all to look

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1 good. Anything he ever did for me was just so I would stay  
2 longer.

3 My daughter's memories are going to live forever.  
4 They're not going to go away in 15 years. If he ever had the  
5 opportunity to get out, she would break down. She would feel  
6 like she failed of protecting herself and other people. The  
7 only thing I live for now is to make sure that my daughters  
8 are protected. And if I didn't stand here and talk to you and  
9 tell you how I felt about what she had gone through, what I  
10 had gone through, I don't know if everybody would really know  
11 what kind of monster he was and he can be.

12 I never spoke ill to him to his family during this  
13 whole thing because I care for them and I love them, and I  
14 didn't want to bring them that pain. But he is a monster. He  
15 [indiscernible] of my daughter, he went after these other  
16 girls, he was doing it on the Internet, he was distributing  
17 porn to other people who are just as awful as he is.

18 So I don't think 15 years is enough. Thank you.

19 **THE COURT:** Thank you.

20 **MS. PUCCI:** Your Honor, is it okay if she were to  
21 take the witness stand? She would like to make sure she can  
22 address the defendant.

23 **THE COURT:** Sure.

24 **VICTIM 1:** I was writing this last minute, but I did  
25 have a lot on my mind. One thing I wanted to ask was: Why?

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1     Why me? Why did I deserve or receive to go through that? I  
2     mean, thank God it was me though; right? I would have -- I  
3     don't want anybody to go through what I went through. I  
4     constantly wondered if it was normal or okay, and I would just  
5     sit and wonder why. Like, at night, like, I would just --  
6     just sit and listen to this one song and that just -- I would  
7     just wonder: Why -- why me?

8             During the whole thing, I was kind of emotionless  
9     about it because I didn't know if it was normal or -- and I  
10    didn't know if it was okay or not. But I thought this was --  
11    oh, this is what people do. This is okay. I never -- I  
12    didn't know how to deal with my emotions, so I just kept them  
13    hidden a lot. But once things were able to get out, it was  
14    when I was really affected. I didn't know how to cope. I --  
15    my -- my mom is right. I was afraid to talk to anybody. I  
16    felt like my family didn't -- didn't love me, didn't  
17    appreciate me anymore and saw me as just wanting to get rid of  
18    him because I didn't like him.

19            And that point, we did have good times together. But  
20    then I would still remember about what was happening, and  
21    still wondering why.

22            When it first -- when the FBI came to our house, I  
23    was -- that was the one thing I was scared of. I was, like,  
24    they're going to find out. They're going to find out. And I  
25    didn't want them to find out, and that's why I tried to keep

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1 it in during the investigation. But as soon as I was showed  
2 the pictures of me, that's when it, like, finally hit. And  
3 then that's when I had -- I had to say something.

4 After that, I was just emotionless. I didn't -- I  
5 didn't know how to feel, and it progressively got worse. As  
6 my mom said, I did stop showering, stop eating, and I also  
7 tried to find other ways to cope, which included self-harm.  
8 And I struggled with that for about a year. I -- it -- this  
9 affects my relationships with other people friend-wise and  
10 just talking to other people wise. It just affects just  
11 all -- all my relationships with everybody. But the fact that  
12 I thought it was my fault is what still kind of hurts me now  
13 because it wasn't my fault. I mean, yes, I allowed it to  
14 happen because what else -- I didn't know what else to do.

15 When I stepped in here and he looked at me, I was --  
16 I didn't want to do this. But then I knew I -- I knew I had  
17 to finally close the -- this chapter. Because it's been --  
18 it's still going to bother me forever while you just get to  
19 sit and just let it just -- you just get to remember what you  
20 did while I just get to sit and struggle every single day with  
21 my relationships, my mental health, and just everything. I  
22 still have scars that I have to look at every single day  
23 because of what other people -- kind of what other people  
24 caused, and mostly because of you because you took my  
25 self-worth away. You took it all away, and it's still

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1 something that I struggle with every single day talking to  
2 people.

3 This whole -- leading up to it, watching the  
4 interviews again, it -- that's what really -- that's what  
5 really -- I'm trying not to swear -- that's what really hurt  
6 me. Just rewatching just everything, just knowing the emotion  
7 that I went through was -- that was the toughest part. But  
8 knowing that I would have to see you again and face you again  
9 is what also made me really afraid. Because the last time I  
10 saw you, you were sexually abusing me.

11 I -- I don't think you should just get 15 years  
12 because I'm still going to be living my life, and I don't need  
13 to be dealing with knowing that you're out, that you could be  
14 possibly trying to hurt other people, and I don't want you  
15 communicating with my sisters at all. I don't want you  
16 communicating with them at all. You do not deserve to talk to  
17 them at all. And neither do you deserve to talk to my mom or  
18 me or -- or my other sister, [REDACTED], ever -- I don't want you  
19 talking to any of them.

20 I have a lot more to say, and I really wish I could  
21 stand right up next to you and just scream and yell at you  
22 because of how much you've put me through. I really, really  
23 wish I could do that, but I can't.

24 That's all.

25 **THE COURT:** Thank you.

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1           **MS. PUCCI:** Thank you, Your Honor.

2           **THE COURT:** Thank you.

3           Anyone else, Ms. Pucci?

4           **MS. PUCCI:** No, Your Honor. Thank you.

5           **THE COURT:** All right. Does Probation have anything  
6 to add?

7           **PROBATION OFFICER:** I do not, Your Honor.

8           **THE COURT:** Thank you.

9           All right. Any reason, legal or just, why I should  
10 not proceed with sentencing at this time?

11           **MR. DRASKOVICH:** No, there is not.

12           **MS. PUCCI:** No, Your Honor.

13           **THE COURT:** I have heard and read and considered the  
14 charging document, the information at the plea hearing, the  
15 Presentence Investigation Report, the sentencing memoranda  
16 filed by both sides and anything attached to that --

17           This will take me a little while, Mr. Draskovich.  
18 You-all can have a seat. Thank you.

19           -- the statements and arguments of counsel, the  
20 statements by the defendant, the statements by everyone here  
21 in the courtroom today, Mr. Parshall's family, the victim, and  
22 her mother. And, of course, all of the factors and  
23 considerations under § 3553(a).

24           First, there are several points I think that are key  
25 factors in the analysis of the correct sentence in this case.

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1 I first consider the nature of Mr. Parshall's conduct. He  
2 pled guilty on the eve of trial to four separate sex crimes;  
3 two counts of sexual exploitation of children, one count of  
4 coercion and enticement, and one count of receipt and  
5 distribution of child pornography. These are all extremely  
6 serious crimes, and they target our community's most  
7 vulnerable members.

8 Indeed, the types of sex crimes that typically find  
9 their way into this courtroom have various categories of  
10 victims. The first category is children whom the defendant  
11 never meets. These are the victims of much of the child  
12 pornography that forms the basis of the § 2252 offenses that  
13 we see. And these offenses -- offenses are horrible because  
14 they continue to revictimize their subjects by feeding a  
15 depraved market and keeping these images alive. All child  
16 pornography offenses are extremely serious because they result  
17 in perpetual harm to victims and validate and normalize the  
18 sexual exploitation of children.

19 Congress has indicated its intent that crimes like  
20 this receive strong and lengthy sentences, as you indicated,  
21 Mr. Draskovich. And these are the types of victims of Count 4  
22 in this case.

23 The defendants who commit these crimes often argue  
24 that the crimes are bad but they're not really dangerous to  
25 the public because these crimes are committed from a computer

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1 screen, and the risk of touching a real child is nonexistent  
2 or low.

3 The second category is children who the defendant  
4 seeks out and contacts over the Internet but not in person,  
5 either -- typically, just because it didn't get to that point.  
6 And these are actual children in actual communications with a  
7 defendant often who becomes a victim by being enticed to send  
8 photographs or engage in sexually explicit communications with  
9 the defendant. These children are personally victimized by  
10 the defendants who engage in this behavior, predators, who  
11 threaten their entire sense of safety. Mr. Parshall was doing  
12 this to Victim Number 2 and others.

13 Defendants who engage in this conduct often argue  
14 that they were engaging in some kind of a depraved fantasy but  
15 really wouldn't touch these children.

16 And then the third category is those children that  
17 the defendant does touch. Mr. Parshall was doing this to  
18 Victim Number 1 for many of her young years; hideously and  
19 habitually sexually abusing this child in his care and  
20 custody. As if that wasn't torture enough, he also took  
21 photos and video of these vile and debased crimes and  
22 published them to like-minded monsters in this incestuous  
23 pedophile community and shared with them the stories of his  
24 conquests.

25 Mr. Parshall, with all of his actions in the

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1 aggregate, has demonstrated that no children are safe from him  
2 and his crimes. He is dangerous; a dangerous, long-term  
3 habitual predator, and his prey of choice and young, often  
4 very young, girls.

5 I've also listened carefully to Mr. Parshall's  
6 sisters and parents and all that they had to say. So, in  
7 reaching a sentencing determination, I don't discount the  
8 mitigating considerations that he served his country in the  
9 Armed Forces, that he has a minimal criminal history, and this  
10 is his first felony conviction and he has accepted  
11 responsibility for his crimes by entering a guilty plea to  
12 each of them before putting the victims on the stand. He is  
13 apologetic, and he clearly has strong family support.

14 The length of time that these crimes went on, even  
15 after being confronted by the victim's mom about them,  
16 indicates that Mr. Parshall's likelihood of recidivism is real  
17 and serious. And the only way to mitigate that is a  
18 significant term of incarceration. And certainly these are  
19 the types of crimes that Congress has ensured that a lengthy  
20 term of incarceration will be given for.

21 So when I consider all of these factors and certainly  
22 all of the factors, as I must, under § 3553(a), I find that a  
23 sentence of -- for Counts 1 and 2, the statutory maximum of 30  
24 years. For Count 3, 33 years. For Count 4, the statutory  
25 maximum of 20 years, concurrent, for a total of 33 years

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1 followed by lifetime supervision concurrent to his state court  
2 sex crime prosecution charges but consecutive to any sentence  
3 he receives in the JTTF cases -- the federal cases,  
4 2:20-cr-128, the state case is C-20-348860-2 -- is sufficient  
5 but not greater than necessary to accomplish the goals and  
6 objectives of sentencing.

7 I believe that this sentence takes into account the  
8 nature and circumstances of the offenses, the history and  
9 characteristics of the defendant, the kinds of sentences  
10 available, the sentencing range, and the policy statements of  
11 the Sentencing Commission. I believe this sentence reflects  
12 the seriousness of these crimes, promotes respect for the law,  
13 provides just punishment, affords adequate deterrence to  
14 criminal conduct, will help protect the public from further  
15 crimes by Mr. Parshall, will provide Mr. Parshall with needed  
16 programming, will avoid sentencing disparities, particularly  
17 when I consider the various sentences that have been given in  
18 similar cases, as reflected in the Government's sentencing  
19 memo, and is consistent -- I'm sorry, and so the defendant is,  
20 therefore, committed to the Bureau of Prisons for a term of 33  
21 years.

22 I want to just make a note that, in determining the  
23 sentencing guideline calculations, I did find that all of the  
24 enhancements and offense characteristics in the guideline  
25 calculations are supported by a preponderance of the evidence

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1 based on the defendant's factual admissions at the plea  
2 hearing and also based on the information contained in the  
3 PSR.

4 So I'm going to turn now to the supervised release  
5 conditions.

6 Mr. Draskovich, in the PSR Probation recommends a  
7 number of supervised release conditions. Are there any  
8 objections?

9 **MR. DRASKOVICH:** No, there is not.

10 **THE COURT:** So while on supervised release, the  
11 defendant will be required to comply with the standard  
12 conditions of supervision recommended by the Sentencing  
13 Commission. The mandatory conditions of not committing  
14 another crime, not unlawfully possessing a controlled  
15 substance, refraining from unlawful use of a controlled  
16 substance, and participating in the drug testing protocol,  
17 making restitution, cooperating in the collection of DNA as  
18 directed by the probation officer, and then complying with the  
19 requirements of the Sex Offender Registration and Notification  
20 Act -- we know that as SORNA -- as directed by the probation  
21 officer, the Bureau of Prisons, or any state sex offender  
22 registration agency in the state in which you reside, work,  
23 are a student, or were convicted of a qualifying offense.

24 The special conditions of employment with the U.S.  
25 Probation Office approval, the minor prohibition -- this is

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1 the one that prevents you from having direct contact with any  
2 child you know or reasonably should know to be under the age  
3 of 18, including your own children, without the permission of  
4 the probation officer. If you do have direct contact with a  
5 child you know or reasonably should know to be under the age  
6 of 18, including your own children, without the permission of  
7 Probation, you must report the contact within 24 hours.

8 Direct contact includes written communication, in-person  
9 communication, or physical contact. Direct contact does not  
10 include incidental contact during ordinary daily activities in  
11 public places.

12 I note that this is one of those conditions that  
13 targets a defendant's right to associate with an intimate  
14 family member. I've undertaken an individualized review of  
15 the relationship between the defendant and his children and  
16 concluded that this restriction is necessary to accomplish the  
17 goals of deterrence, protection of the public, rehabilitation,  
18 and this is based on the communications that this defendant  
19 was habitually engaging in with his own daughter -- or his own  
20 stepdaughter and his other victims, and the level of -- and  
21 the fact that the evidence in this case indicates that the  
22 level of access and grooming all happened because of that  
23 intimate relationship.

24 For the same reason, you must not communicate or  
25 otherwise interact with Victim Number 1 or Victim Number 2

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1 either directly or through someone else without first  
2 obtaining the permission of the Probation Office; that you  
3 will have the place restriction. So you will not be permitted  
4 to go or remain at any place primarily used by children under  
5 the age of 18 without the express permission of Probation.  
6 The search and seizure condition will apply, the  
7 no-pornography condition will apply, the sex offender  
8 treatment condition, and the polygraph condition, the computer  
9 search, computer monitoring, and computer monitoring software  
10 conditions will all be imposed.

11 And I find that all of these conditions are  
12 reasonably related to the goals of deterrence, protection of  
13 the public, or rehabilitation; that they involve no greater  
14 deprivation of liberty than reasonably necessary to achieve  
15 these goals, and that they are consistent with the pertinent  
16 policy statements issued by the Sentencing Commission.

17 Do we have a copy of those conditions in writing for  
18 the defendant?

19 **PROBATION OFFICER:** Yes, Your Honor.

20 **THE COURT:** Mr. Parshall, you're being handed a  
21 written copy of those supervised release conditions. Can you  
22 acknowledge that for the record, please?

23 **THE DEFENDANT:** Yes, I have them. Thank you.

24 **THE COURT:** Thank you.

25 A mandatory penalty assessment of \$400, which is \$100

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1 per count, is required by statute. It's hereby imposed, and  
2 it is due immediately. No fine will be imposed based on a  
3 demonstrated inability to pay.

4 Let's talk about restitution, Ms. Pucci.

5 **MS. PUCCI:** Yes, Your Honor. There was a sealed  
6 restitution request in the amount of \$31,920 for Victim 1. We  
7 would ask that that be imposed as it is mandatory pursuant to  
8 the statutes in this case.

9 **THE COURT:** Any objection, Mr. Draskovich?

10 **MR. DRASKOVICH:** We will submit it, Your Honor.

11 **THE COURT:** Thank you.

12 I have reviewed that request, and I am going to award  
13 restitution to Victim 1 in the amount of \$31,920 based on the  
14 information that was provided in that sealed document.

15 And that is imposed under Title 18 United States Code  
16 § 3663A. Is that correct, Ms. Pucci?

17 **MS. PUCCI:** Yes, Your Honor. Thank you.

18 **THE COURT:** Are there additional findings that I need  
19 to make?

20 **MS. PUCCI:** Your Honor, with regards to forfeiture,  
21 there is a Final Order of Forfeiture on the docket at 72. I  
22 have a copy if Your Honor does need it.

23 **THE COURT:** I have that one.

24 Mr. Draskovich, have you had an opportunity to review  
25 the Final Order of Forfeiture?



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1           **MR. DRASKOVICH:** I have, Your Honor, and we have no  
2 objection.

3           **THE COURT:** All right. It's the Samsung A6 cellular  
4 phone and the Samsung Galaxy cellular phones. And I'm going  
5 to sign this proposed order and hand it to Danielle for  
6 filing. Thank you.

7           Anything else on that, Mr. Draskovich?

8           **MR. DRASKOVICH:** No, Your Honor. Thank you.

9           **THE COURT:** Okay. Let's turn back to restitution.  
10 So I do -- with respect to that prior amount, I do order the  
11 defendant to make restitution in the amount of \$31,920. This  
12 is an offense for which restitution is authorized by statute,  
13 and this is an amount that is consistent with and I find is  
14 the amount of actual loss sustained by the victim -- Victim  
15 Number 1 -- as a result of this offense or will be the amount  
16 she sustains.

17           Any unpaid balance must be paid at a monthly rate of  
18 not less than 10 percent of any income earned during  
19 incarceration or gross income while on supervision subject to  
20 adjustment based on ability to pay. I do not order interest  
21 to accrue on the restitution judgment.

22           **MS. PUCCI:** Your Honor?

23           **THE COURT:** Other restitution items?

24           **MS. PUCCI:** There's no other restitution that we're  
25 seeking in this case. The other victims did withdraw knowing

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1 that there was a live victim, but I did want to clarify and  
2 correct myself. Because this was a 2251 case, the restitution  
3 is mandatory under 2259(b)(9) and (c)(3).

4 **THE COURT:** Sorry. So then it will be under  
5 2259(b)(9) and (c)(3)?

6 **MS. PUCCI:** Correct.

7 **THE COURT:** All right. Those will be the provisions  
8 under which this is imposed.

9 **MS. PUCCI:** Thank you, Your Honor.

10 **THE COURT:** Is the Government asking for --

11 **MS. PUCCI:** The last thing, Your Honor, I believe is  
12 the JVTa assessment for Count 1 and Count 4.

13 **THE COURT:** The Justice for Victims of Trafficking  
14 Act of 2015 requires the Court to assess an amount of \$5,000  
15 per count on any non-indigent person or entity convicted of a  
16 qualifying offense. So the Government is asking for an award  
17 then of \$10,000 total on that?

18 **MS. PUCCI:** Yes, Your Honor.

19 **THE COURT:** Mr. Draskovich?

20 **MR. DRASKOVICH:** Your Honor, it's our position that  
21 he is an indigent person.

22 **THE COURT:** Ms. Pucci, your response to the claim of  
23 indigency?

24 **MS. PUCCI:** Your Honor, he's not indigent. He is a  
25 capable person who, once he is out of custody, he can find a

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1 job. Also, the defendant has retained counsel in this case.  
2 He was not found indigent in the case to retain  
3 Mr. Draskovich, so we would ask that the \$10,000 be imposed.

4 **MR. DRASKOVICH:** And just briefly in response, given  
5 the function of the last three years of his having been in  
6 custody, his status has changed.

7 **THE COURT:** All right. Because I am not convinced  
8 that he would not be capable of working and earning a living  
9 once he is released, I do not find that he is indigent. So I  
10 am going to impose the \$5,000-per-count assessment under the  
11 JVTA for a total of \$10,000.

12 Have I hit all of the fines and other provisions?

13 **MS. PUCCI:** Yes, Your Honor. The only last thing is  
14 the right to appeal, and then we're done. Thank you.

15 **THE COURT:** Thank you.

16 Mr. Parshall, in your -- your -- to the extent that  
17 you've retained rights to appeal, I'm advising you that you  
18 have 14 days to file a notice of appeal. If you cannot afford  
19 an attorney to handle your appeal, one will be appointed to  
20 represent you. And if you cannot afford a transcript of the  
21 record in this case, one will be prepared for appeal at the  
22 Government's expense.

23 Do you understand all of that, sir?

24 **THE DEFENDANT:** Yes, Your Honor.

25 **THE COURT:** All right. Thank you.

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1           **PROBATION OFFICER:** Your Honor? I apologize for  
2 interrupting. I do believe that the Amy, Vicky, and Andy  
3 Child Pornography Victim Assistance Act of 2018 applies in  
4 this case.

5           **MS. PUCCI:** May I have a moment, Your Honor?

6           **THE COURT:** You may.

7           **MS. PUCCI:** Your Honor, I do believe that Probation  
8 is correct. I think the minimum fine is \$1,000, and I think  
9 that is what was requested in the PSR if I'm not mistaken.

10          **THE COURT:** That is what is indicated in the PSR.

11          **PROBATION OFFICER:** Probation is recommending a  
12 thousand. Pursuant to the statute, the Court can go up to  
13 \$35,000.

14          **THE COURT:** All right. Mr. Draskovich, do you --  
15 your response.

16          **MR. DRASKOVICH:** Your Honor, we'll submit it on the  
17 recommendation of Probation.

18          **THE COURT:** Thank you.

19               All right. And based on the recommendation by  
20 Probation, I will impose the \$1,000 assessment under the Amy,  
21 Vicky, and Andy Child Pornography Victim Assistance of -- Act  
22 of 2018 having considered the factors in Title 18 United  
23 States Code § 3553(a) and in Title 18 United States Code  
24 § 3572.

25               Mr. Parshall pled straight up to all of the charges,

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1 so there's nothing to dismiss.

2 Mr. Draskovich, does your client request a  
3 recommendation that he be permitted to serve his sentence at a  
4 specific facility or one with a particular program?

5 **MR. DRASKOVICH:** He just requests a facility in  
6 California or a neighboring state, Your Honor.

7 **THE COURT:** Okay. Would that be based on proximity  
8 to family?

9 **MR. DRASKOVICH:** It will be.

10 **THE COURT:** Okay. That will be the recommendation  
11 then, that he be designated to serve his sentence at a  
12 facility in California based on proximity to family.

13 Is there anything else that I need to address? I'll  
14 ask Probation first.

15 **PROBATION OFFICER:** No, Your Honor.

16 **THE COURT:** Thank you.

17 **MR. DRASKOVICH:** No, Your Honor. Thank you.

18 **MS. PUCCI:** No, Your Honor. Thank you.

19 **THE COURT:** All right. Thank you.

20 All right. Mr. Parshall, you wish you the best of  
21 luck.

22 **THE DEFENDANT:** Thank you.

23 **THE COURT:** Defendant is remanded to the custody of  
24 the Marshal to await designation by the Bureau of Prisons.  
25 Thank you, all, for being here, and giving me your statements

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1 today. We're adjourned.

2 (Proceedings adjourned at 5:01 p.m.)

3 --o0o--

4 COURT REPORTER'S CERTIFICATE

5  
6 I, AMBER M. McCLANE, Official Court Reporter, United  
7 States District Court, District of Nevada, Las Vegas, Nevada,  
8 do hereby certify that pursuant to 28 U.S.C. § 753 the  
9 foregoing is a true, complete, and correct transcript of the  
10 proceedings had in connection with the above-entitled matter.

11  
12 DATED: 7/23/2023

13  
14 /s/

Amber M. McClane  
15 AMBER McCLANE, RPR, CRR, CCR #914  
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UNITED STATES DISTRICT COURT  
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